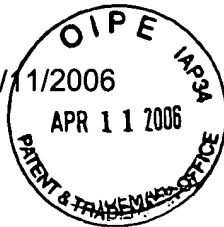


IDS - 04/11/2006



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PATENT  
Customer No. 22,852  
Attorney Docket No. 06809.0029

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Morton M. MOWER ) Group Art Unit: 3762  
)  
Application No.: 10/654,959 ) Examiner: Unknown  
)  
Filed: September 5, 2003 ) Confirmation No.: 7929  
)  
For: METHOD AND APPARATUS FOR )  
PROVIDING IPSELATERAL )  
THERAPY )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO/SB/08 form. Applicant is filing this Supplemental Information Disclosure Statement (IDS) before the mailing date of a first Office Action on the merits for the above-referenced application, to the undersigned's knowledge at the time of filing. This IDS supplements the IDS filed on March 5, 2004.

Copies of the listed foreign and non-patent literature documents are attached. Copies of the U.S. patents and U.S. patent publications are not enclosed. Applicant respectfully requests that the Examiner consider the listed documents and indicate their consideration by making appropriate notation on the attached PTO/SB/08 form.

The relevance of two non-English language documents, D'AIOTOLO et al., "Tratamiento De Las Arritmias Cardiacas" ("D'Aiotolo"), and SILVA, "Influencia de la

Localizacion de la Estimulacion Electrica Ventricular Sobre la Eficiencia Cardiaca. Estudio Experimental Y Clinico" ("Silva"), is set forth below.

D'Aiotolo generally discloses "Treatment of Cardiac Arrhythmias," in particular, Chapter I is the "Introduction." Chapter II discusses "Physiology of Cardiac Rhythm." Chapter III discusses "Physiopathology of Arrhythmias." Chapter IV discusses "Pharmacology of Anti-Arrhythmic Drugs." Chapter V discusses "Pharmacologic Treatment of Arrhythmias." Chapter VI discusses "Rhythmic Electric Stimulation - Cardiac Pacemakers." Chapter VII discusses "Indications/Procedures, Results, and Complications from Pacemaker Implantations." Chapter VIII discusses "Arrhythmias in Patients with Artificial Cardiac Pacemakers." Chapter IX discusses "Paired and Coupled Pacemakers and their use in Treatment of Arrhythmias and Cardiac Insufficiency." Chapter X discusses "Electrophysiological Studies in the Human Heart." Chapter XI discusses "Cardioversion [electric shock to heart], Theoretical and Experimental Fundamentals, Clinical Uses, and Indications/Procedures. Finally, Chapter XII discusses "Intensive Care Units."

Silva is a doctoral dissertation that generally discloses "Effect of Location of Ventricular Electrical Stimulation on Cardiac Efficiency – Experimental and Clinic Study." In particular, Chapter 1 is the "Introduction," with Section 1.1 setting forth the background and fundamentals of the study. Section 1.1.1 discusses Permanent cardiac stimulation: evolution and current status. Section 1.1.2 discusses prior studies on the influence of the place of cardiac stimulation on hemodynamic (blood circulation) parameters and continuing interest in this line of research. Section 1.1.3 discusses the mechanics of ventricular contraction. Section 1.2 discusses comments on the methodology followed. Section 1.2.1 discusses an experimental model: electric activation (stimulation) in dogs – an epicardic map. Section 1.2.2 discusses the clinical (work), evaluation (& follow up) methods. Chapter 2 is the "Objectives." Chapter 3 is the

"Materials and Methods," with Section 3.1 discussing the experimental model and 3.2 discussing the clinical work. Chapters 4, 5, 6, 7, and 8 are the "Results," "Discussion," "Conclusions," "Summary," and "References," respectively.

In lieu of a statement of relevance for the remaining non-English language documents, English-language Abstracts are provided.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies any or all of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present the relevant facts and law to the Office regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any or all of the documents be applied against the claims of the present application.

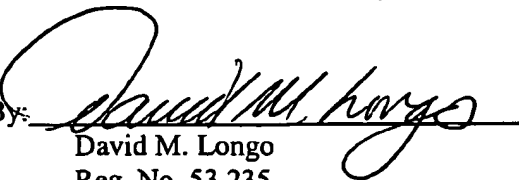
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 11, 2006

By:

  
David M. Longo  
Reg. No. 53,235

|  |   |    |                                   |                   |
|--|---|----|-----------------------------------|-------------------|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO  |   |    | <b>Complete if Known</b>          |                   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><i>(Use as many sheets as necessary)</i> |   |    | Application Number                | 10/654,959        |
|  |   |    | Filing Date                       | September 5, 2003 |
|  |   |    | First Named Inventor              | Morton M. Mower   |
|  |   |    | Art Unit                          | 3762              |
|  |   |    | Examiner Name                     | Unknown           |
| Sheet  | 1 | of | Attorney Docket Number 06809.0029 |                   |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |                          |   |  |  |   |
|---|--------------------------|---|--|--|---|
| Examiner<br>Initials                                | Cite<br>No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Issue or<br>Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
| RH  |                          | US--3,345,990   | 10/10/1967                                 | Berkovits  |   |
|   |                          | US--3,431,912   | 03/11/1969                                 | Keller, Jr.  |   |
|   |                          | US--3,433,228   | 03/18/1969                                 | Keller, Jr.  |   |
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|   |                          | US--3,903,897   | 09/09/1975                                 | Woolons et al.                                     |   |
|   |                          | US--3,937,226   | 02/10/1976                                 | Funke  |   |
|   |                          | US--4,052,991   | 10/11/1977                                 | Zacouto  |   |
|   |                          | US--4,057,067   | 11/08/1977                                 | Lajos  |   |
|   |                          | US--4,088,140   | 05/09/1978                                 | Rockland et al.                                    |   |
|   |                          | US--4,303,075   | 12/01/1981                                 | Heilman et al.                                     |   |
|   |                          | US--4,312,355   | 01/26/1982                                 | Funke  |   |
|   |                          | US--4,332,259   | 06/01/1982                                 | McCorkle, Jr.                                      |   |
|   |                          | US--4,335,727   | 06/22/1982                                 | McPherson  |   |
|   |                          | US--4,354,497   | 10/19/1982                                 | Kahn   |   |
|   |                          | US--4,378,020   | 05/29/1983                                 | Nappholz et al.                                    |   |
|   |                          | US--4,401,119   | 08/30/1983                                 | Herpers  |   |
|   |                          | US--4,418,695   | 12/06/1983                                 | Buffet   |   |
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|   |                          | US--4,452,248   | 06/05/1984                                 | Keller, Jr.  |   |
|   |                          | US--4,458,677   | 07/10/1984                                 | McCorkle, Jr.                                      |   |
|   |                          | US--4,541,417   | 09/17/1985                                 | Krikorian  |   |
|   |                          | US--4,548,203   | 10/22/1985                                 | Tacker, Jr. et al.                                 |   |
|   |                          | US--4,554,922   | 11/26/1985                                 | Prystowsky, et al.                                 |   |
|   |                          | US--4,624,260   | 11/25/1986                                 | Baker, Jr. et al.                                  |   |
|   |                          | US--4,685,446   | 08/11/1987                                 | Choy   |   |
|   |                          | US--4,705,043   | 11/10/1987                                 | Imran  |   |
|   |                          | US--4,727,877   | 03/01/1988                                 | Kallok   |   |
|   |                          | US--4,774,950   | 10/04/1988                                 | Cohen  |   |
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| V   |                          | US--4,799,486   | 01/24/1989                                 | DuFault  |   |

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| IDS Form PTO/SB/08: Substitute for form 1449A/PTO   |   |    | <b>Complete if Known</b> |                        |            |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br>(Use as many sheets as necessary) |   |    | Application Number       | 10/654,959             |            |
|   |   |    | Filing Date              | September 5, 2003      |            |
|   |   |    | First Named Inventor     | Morton M. Mower        |            |
|   |   |    | Art Unit                 | 3762                   |            |
|   |   |    | Examiner Name            | Unknown                |            |
| Sheet   | 2 | of | 13                       | Attorney Docket Number | 06809.0029 |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |                       |  |   |   |   |
|---|-----------------------|--|---|---|---|
| Examiner Initials <sup>1</sup>                      | Cite No. <sup>1</sup> | Document Number                          | Issue or Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|   |                       | Number-Kind Code <sup>2</sup> (if known) |   |   |   |
| RH  |                       | US--4,817,608                            | 04/04/1989                              | Shapland et al.                                 |   |
|   |                       | US--4,827,932                            | 05/09/1989                              | Ideker et al.                                   |   |
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|   |                       | US--4,830,006                            | 05/16/1989                              | Haluska et al.                                  |   |
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|   |                       | US--4,928,688                            | 05/29/1990                              | Mower   |   |
|   |                       | US--4,932,407                            | 06/12/1990                              | Williams  |   |
|   |                       | US--4,967,749                            | 11/06/1990                              | Cohen   |   |
|   |                       | US--4,974,588                            | 12/04/1990                              | Smits   |   |
|   |                       | US--5,014,696                            | 05/14/1991                              | Mehra   |   |
|   |                       | US--5,024,222                            | 06/18/1991                              | Thacker   |   |
|   |                       | US--5,083,563                            | 01/28/1992                              | Collins   |   |
|   |                       | US--5,099,838                            | 03/31/1992                              | Bardy   |   |
|   |                       | US--5,111,811                            | 05/12/1992                              | Smits   |   |
|   |                       | US--5,129,394                            | 07/14/1992                              | Mehra   |   |
|   |                       | US--5,158,097                            | 10/27/1992                              | Christlieb                                      |   |
|   |                       | US--5,213,098                            | 05/25/1993                              | Bennett et al.                                  |   |
|   |                       | US--5,251,621                            | 10/12/1993                              | Collins   |   |
|   |                       | US--5,334,222                            | 08/02/1994                              | Salo et al.                                     |   |
|   |                       | US--5,545,204                            | 08/13/1996                              | Cammilli et al.                                 |   |
|   |                       | US--5,584,868                            | 12/17/1996                              | Salo et al.                                     |   |
|   |                       | US--5,899,930                            | 05/04/1999                              | Flynn et al.                                    |   |
|   |                       | US--5,626,620                            | 05/06/1997                              | Kieval et al.                                   |   |
|   |                       | US--5,902,324                            | 05/11/1999                              | Thompson et al.                                 |   |
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|   |                       | US--6,185,459 B1                         | 02/06/2001                              | Mehra et al.                                    |   |
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|   |                       | US--6,317,631 B1                         | 11/13/2001                              | Ben-Haim et al.                                 |   |
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|   |                       | US--6,337,995 B1                         | 01/08/2002                              | Mower   |   |
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Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

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|---|---|----|----|--------------------------|-------------------|
| <b>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |    | <b>Complete if Known</b> |                   |
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|   |   |    |    | First Named Inventor     | Morton M. Mower   |
|   |   |    |    | Art Unit                 | 3762              |
|   |   |    |    | Examiner Name            | Unknown           |
| Sheet   | 3 | of | 13 | Attorney Docket Number   | 06809.0029        |

| FOREIGN PATENT DOCUMENTS    |                          |   |                                |  |  |                           |
|-----------------------------|--------------------------|---|--------------------------------|--|--|---------------------------|
| Examiner<br>Initials        | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures<br>Appear | Translation <sup>6</sup>  |
|                             |                          | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |  |  |                           |
| RH<br>↓<br>↓<br>↓<br>↓<br>↓ |                          | GB 1401247  | 11/16/1983                     | Siemens Aktiengesellschaft                         |  |                           |
|                             |                          | GB 2119255A   | 07/23/1975                     | Teletronics Pty. Ltd.                              |  |                           |
|                             |                          | EP 0017447 A1   | 10/15/1980                     | Medtronic, Inc.                                    |  |                           |
|                             |                          | EP 0039269 A1   | 11/14/1981                     | Medtronic, Inc.                                    |  |                           |
|                             |                          | WO 82/03783   | 11/11/1982                     | Biotronik  |  | English-Language Abstract |

| NON PATENT LITERATURE DOCUMENTS                      |                          |   |                          |
|--|--------------------------|---|--------------------------|
| Examiner<br>Initials                                 | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
| RH<br>↓<br>↓<br>↓<br>↓<br>↓<br>↓<br>↓<br>↓<br>↓<br>↓ |                          | Morton M. MOWER, U.S. Application No. 10/214,474, entitled "METHOD AND APPARATUS FOR TREATING HEMODYNAMIC DISFUNCTION," filed August 8, 2002 (Continuation Reissue Application of U.S. Patent No. 4,928,688).   |                          |
|  |                          | Picture of Biventricular Pacer manufactured by American Optical Co., American Optical Corp., Research Division, Biventricular Pacer Device, 1975.   |                          |
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|  |                          | BEFELER et al., "Programmed Simultaneous Biventricular Stimulation in Man, with Special Reference to its Use in the Evaluation of Intraventricular Reentry," <i>Eur. J. of Cardiology</i> , Vol. 9, No. 5, pp. 369-378 (1979).                                  |                          |

|   |   |    |                             |                               |            |
|---|---|----|-----------------------------|-------------------------------|------------|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO   |   |    | <b>Complete if Known</b>    |                               |            |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    | <i>Application Number</i>   | 10/654,959                    |            |
|   |   |    | <i>Filing Date</i>          | September 5, 2003             |            |
|   |   |    | <i>First Named Inventor</i> | Morton M. Mower               |            |
|   |   |    | <i>Art Unit</i>             | 3762                          |            |
|   |   |    | <i>Examiner Name</i>        | Unknown                       |            |
| Sheet   | 4 | of | 13                          | <i>Attorney Docket Number</i> | 06809.0029 |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                          |
|---------------------------------|-----------------------|---|--------------------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>8</sup> |
| RH                              |                       | BENCHIMOL et al., "Cardiac Hemodynamics During Stimulation of the Right Atrium, Right Ventricle, and Left Ventricle in Normal and Abnormal Hearts," <i>Circulation</i> , Vol. 33, June 1966, pp. 933-944.   |                          |
|                                 |                       | BENCHIMOL et al., "Contribution of Atrial Systole to the Cardiac Function at a Fixed and at a Variable Ventricular Rate," <i>The American Journal of Cardiology</i> , Vol. 16, No. 1, July 1965, pp. 11-21.   |                          |
|                                 |                       | BLACKBURN et al., "Ventricular Pacing from the Coronary Sinus of a Patient with a Fontan Circulation," <i>Br. Heart J.</i> , 1993, (70):578-579.  |                          |
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|   |   |    |                          |                        |            |
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|   |   |    | Art Unit                 | 3762                   |            |
|   |   |    | Examiner Name            | Unknown                |            |
| Sheet   | 5 | of | 13                       | Attorney Docket Number | 06809.0029 |

| NON PATENT LITERATURE DOCUMENTS |                       |  |                           |
|---------------------------------|-----------------------|--|---------------------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.  | Translation <sup>6</sup>  |
|                                 |                       | CHAMORRO et al., "Ejection VAVE; EF and Phase Histogram to Evaluate a Correct Programation of AV Delay in DDD Pacemakers," <i>European Journal of Nuclear Medicine</i> , Vol. 8, No. 5, pp. A 36 (1983).   |                           |
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| IDS Form PTO/SB/08: Substitute for form 1449A/PTO   |    |    | <b>Complete if Known</b> |                        |            |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |    |    | Application Number       | 10/654,959             |            |
|   |    |    | Filing Date              | September 5, 2003      |            |
|   |    |    | First Named Inventor     | Morton M. Mower        |            |
|   |    |    | Art Unit                 | 3762                   |            |
|   |    |    | Examiner Name            | Unknown                |            |
| Sheet   | 11 | of | 13                       | Attorney Docket Number | 06809.0029 |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                          |
|---------------------------------|-----------------------|---|--------------------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.         | Translation <sup>6</sup> |
| RH                              |                       | TYERS, "Maximum Cardiac Performance After Complete Heart Block," <i>Surgical Forum</i> , Vol XVIII, American College of Surgeons, 1967, pp. 132-133.  |                          |
|                                 |                       | TYERS, "Optimal electrode implantation site for asynchronous dipolar cardiac pacing," <i>Annals of Surgery</i> , Feb. 1968, 167(2):168-179.   |                          |
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|                                 |                       | TYERS et al., "Effect of Site of Synchronous Unipolar Ventricular Stimulation and Volume Loading on Cardiac Function," <i>J. Surg. Res.</i> , 1973 Oct; 15(4):271-284.  |                          |
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|   |    |    |                          |                        |            |
|---|----|----|--------------------------|------------------------|------------|
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| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |    |    | Application Number       | 10/654,959             |            |
|   |    |    | Filing Date              | September 5, 2003      |            |
|   |    |    | First Named Inventor     | Morton M. Mower        |            |
|   |    |    | Art Unit                 | 3762                   |            |
|   |    |    | Examiner Name            | Unknown                |            |
| Sheet   | 12 | of | 13                       | Attorney Docket Number | 06809.0029 |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                          |
|---------------------------------|-----------------------|---|--------------------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.                               | Translation <sup>2</sup> |
| RH                              |                       | TYERS et al., "Bipolar leads for use with permanently implantable cardiac pacing systems: A review of limitations of traditional and coaxial configurations and the development and testing of new conductor, insulation, and electrode designs," <i>J. Invest. Surg.</i> , 1997, 10(1):1-15. |                          |
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|---|----|----|----|-------------------------------|-------------------|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO   |    |    |    | <b>Complete if Known</b>      |                   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |    |    |    | <i>Application Number</i>     | 10/654,959        |
|   |    |    |    | <i>Filing Date</i>            | September 5, 2003 |
|   |    |    |    | <i>First Named Inventor</i>   | Morton M. Mower   |
|   |    |    |    | <i>Art Unit</i>               | 3762              |
|   |    |    |    | <i>Examiner Name</i>          | Unknown           |
| Sheet   | 13 | of | 13 | <i>Attorney Docket Number</i> | 06809.0029        |

| NON PATENT LITERATURE DOCUMENTS |                       |  |                              |
|---------------------------------|-----------------------|--|------------------------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.                        | Translation <sup>2</sup>     |
| RH                              |                       | YOSHIMORI, "An Experimental Study on the Site for Ventricular Pacing of A Dog Heart with Special Reference to Biventricular Pacing," <i>Nippon Ika Daigaku Zasshi</i> , Vol. 54, No. 3 (1987), pp. 267-276. (Japanese with English-Language Abstract and English Translation Attached) | English Translation Attached |
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|                    |              |                 |            |
|--------------------|--------------|-----------------|------------|
| Examiner Signature | /Rex Holmes/ | Date Considered | 09/19/2006 |
|--------------------|--------------|-----------------|------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant





IDS

*JP*

PATENT  
Customer No. 22,852  
Attorney Docket No. 06809.0029-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Morton M. MOWER ) Group Art Unit: 3762  
)  
Application No.: 10/654,959 ) Examiner: Unknown  
)  
Filed: September 5, 2003 ) Confirmation No.: 7929  
)  
For: METHOD AND APPARATUS FOR )  
PROVIDING IPSELATERAL )  
THERAPY )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO/SB/08 form. Applicant is filing this Supplemental Information Disclosure Statement (IDS) before the mailing date of a first Office Action on the merits for the above-referenced application, to the undersigned's knowledge at the time of filing. This IDS supplements the IDSs filed on March 5, 2004 and April 11, 2006.

Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and indicate their consideration by making appropriate notation on the attached PTO/SB/08 form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies any or all of the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under

United States law, Applicant reserves the right to present the relevant facts and law to the Office regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any or all of the documents be applied against the claims of the present application.

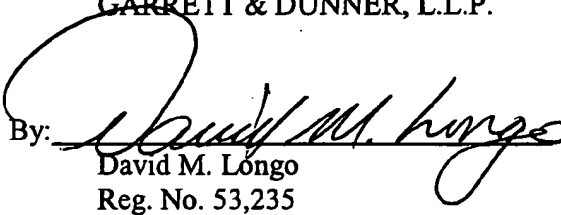
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 20, 2006

By:

  
David M. Longo  
Reg. No. 53,235

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 8

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of

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**Complete if Known**

|                        |                   |
|------------------------|-------------------|
| Application Number     | 10/654,959        |
| Filing Date            | September 5, 2003 |
| First Named Inventor   | Morton M. Mower   |
| Art Unit               | 3762              |
| Examiner Name          | Unknown           |
| Attorney Docket Number | 06809.0029-00000  |

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Document Number                          | Issue or<br>Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|----------------------|--------------------------|--|--|--|---|
|                      |                          | Number-Kind Code <sup>2</sup> (if known) |  |  |   |
|                      |                          |  |  |  |   |
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Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>or Relevant Figures<br>Appear | Translation <sup>6</sup> |
|----------------------|--------------------------|---|--------------------------------|--|--|--------------------------|
|                      |                          | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |  |  |                          |
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**NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials   | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item<br>(book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),<br>publisher, city and/or country where published. | Translation <sup>6</sup> |
|------------------------|--------------------------|---|--------------------------|
| RH<br>↓<br>↓<br>↓<br>↓ |                          | DIOTALLEVI et al., "Rescuing Failed Biventricular Implants Using Right Ventricular Bifocal Pacing to Assure Cardiac Resynchronization Benefits to Heart Failure Patients," Heart Rhythm, Vol. 3, No. 5, May Supplement 2006, Abstract No. AB48-2.                     |                          |
|                        |                          | LECLERCQ et al., "Triple Site Ventricular Pacing for Optimizing Ventricular Resynchronization: Design of the Trip-HF Study; Technical Feasibility," Heart Rhythm, Vol. 3, No. 5, May Supplement 2006, Abstract No. AB48-3   |                          |
|                        |                          | NIAZI et al., "Dual-Site Left Ventricular Stimulation Provides Better Resynchronization Response than Conventional Biventricular Stimulation," Heart Rhythm, Vol. 3, No. 5, May Supplement 2006, Abstract No. AB42-6.   |                          |
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|                        |                          |   |                          |
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|                       |              |                    |            |
|-----------------------|--------------|--------------------|------------|
| Examiner<br>Signature | /Rex Holmes/ | Date<br>Considered | 09/19/2006 |
|-----------------------|--------------|--------------------|------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant



PATENT  
Customer No. 22,852  
Attorney Docket No. 06809.0029

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Morton M. Mower

Application No.: 10/654,959

Filed: September 5, 2003

For: Method and Apparatus For  
Providing Ipsilateral Therapy

)  
)  
) Group Art Unit: 3762

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) Examiner: t/b/d  
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)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents, including any copending patent applications, are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed

documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

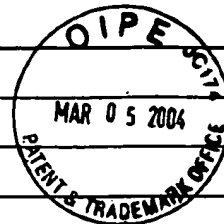
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: March 5, 2003

By: Edward J. Naidich  
Edward J. Naidich  
Reg. No. 43,826

## INFORMATION DISCLOSURE CITATION

|                  |                   |            |            |
|------------------|-------------------|------------|------------|
| Atty. Docket No. | 06809.0029-00000  | Appln. No. | 10/654,959 |
| Applicant        | Morton M. Mower   |            |            |
| Filing Date      | September 5, 2003 | Group:     | 3762       |



## U.S. PATENT DOCUMENTS

| Examiner Initial* | Document Number | Issue Date     | Name     | Class | Sub Class | Filing Date If Appropriate |
|-------------------|-----------------|----------------|----------|-------|-----------|----------------------------|
| RH                | 4,928,688       | May 29, 1990   | M. Mower |       |           |                            |
|                   | 6,411,845 B1    | June 25, 2002  | M. Mower |       |           |                            |
|                   | 6,343,232 B1    | Jan. 29, 2002  | M. Mower |       |           |                            |
|                   | 6,341,235 B1    | Jan. 22, 2002  | M. Mower |       |           |                            |
|                   | 6,337,995 B1    | Jan. 8, 2002   | M. Mower |       |           |                            |
|                   | 6,332,096 B1    | Dec. 18, 2001  | M. Mower |       |           |                            |
|                   | 6,295,470 B1    | Sept. 25, 2001 | M. Mower |       |           |                            |
|                   | 6,178,351 B1    | Jan. 23, 2001  | M. Mower |       |           |                            |
|                   | 6,141,587       | Oct. 31, 2000  | M. Mower |       |           |                            |
|                   | 6,141,586       | Oct. 21, 2000  | M. Mower |       |           |                            |
|                   | 6,136,019       | Oct. 24, 2000  | M. Mower |       |           |                            |
|                   | 6,067,470       | May 23, 2000   | M. Mower |       |           |                            |
|                   | 5,871,506       | Feb. 16, 1999  | M. Mower |       |           |                            |

## FOREIGN PATENT DOCUMENTS

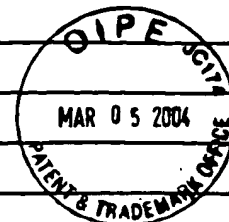
| Document Number | Publication Date | Country | Class | Sub Class | Translation Yes or No |
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|    |  |
|----|--|
| RH | "Effect of Varying Pacing Waveform Shapes on Propagation and Hemodynamics in the Rabbit Heart." N.V. Thakor, Ph.D., et al.; The Mirowski Symposium; 1997.  |
| RH | "Effectiveness of bi-atrial pacing for reducing atrial fibrillation after coronary artery bypass graft surgery." EP Gerstenfeld, et al.; Department of Medicine, University of Mass. Medical Center; 2001. |

## INFORMATION DISCLOSURE CITATION

|                  |                   |            |            |
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| Atty. Docket No. | 06809.0029-00000  | Appln. No. | 10/654,959 |
| Applicant        | Morton M. Mower   |            |            |
| Filing Date      | September 5, 2003 | Group:     | 3762       |



| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |  |
|--|--|
| RH   | "Evaluation of bi-atrial pacing and single site right atrial pacing for the prevention of atrial fibrillation." Y. Enjoji, et al.; Third Dept. of Internal Medicine, Toho University School of Medicine; 2002. |
| RH   | "Bi-atrial mapping of atrial arrhythmias." R. Lemery; Division of Cardiology, Ottawa Heart Institute; 2002.  |
| RH   | "Permanent atrial resynchronization by synchronous bi-atrial pacing in the preventive treatment of atrial flutter associated with high degree interatrial block." C. Daubert, et al.; Hote-Dieu, Rennes; 1994. |

|   |              |   |            |
|---|--------------|---|------------|
| Examiner  | /Rex Holmes/ | Date Considered   | 09/19/2006 |
| *Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |              |   |            |
| Form PTO 1449   |              | Patent and Trademark Office - U.S. Department of Commerce |            |